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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,805	01/11/2002	Gary N. Truesdale	CLUTCH-1	9073

7590

06/04/2003

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EXAMINER

PASSANITI, SEBASTIANO

ART UNIT

PAPER NUMBER

3711

DATE MAILED: 06/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicant N .

10/043,805

Applicant(s)

TRUESDALE, GARY N. *an*

Examiner

Sebastiano Passaniti

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

This Office action is responsive to communication received 01/11/2002 – application papers filed.

Claims 1-17 are pending.

Following is an action on the MERITS:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Ellingham.

Both Figures 1 and 2 show a plurality of score lines and punch marks, with the punch marks arranged in a manner that is visually perpendicular to the score lines. For example, the vertical positioning of the score lines may be considered to be perpendicular to the horizontal orientation of the score lines.

Claims 2 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Goldberg. Figures 4 and 5 clearly show that the club head includes a sole having a groove pattern that terminates adjacent the hitting surface. The grooves are aligned in

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a parallel fashion, much in the same manner as what appears to be a parallel design shown by the applicant in Figure 2.

Claims 3, 4, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldberg. Although the patent to Goldberg does not explicitly detail that the groove pattern on the sole is trapezoidal, it would appear that this detail would have involved nothing more than an obvious choice in design on the part of the skilled artisan, since the applicant has not disclosed that the trapezoidal configuration of the groove pattern on the sole solves any stated problem or is for any particular purpose and it would appear that the groove pattern would perform equally well with the grooves oriented within the confines of any geometrical pattern on the sole so long as the grooves remain parallel, one with the other, and remain perpendicular to the plane of the striking face and encompass a sufficient amount of the surface area of the sole.

Claims 5-7 and 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young in view of Satoh, Takeda and Sherwood. The patent to Young differs from the claimed invention in that Young does not detail the exact height and width of the head as well as the claimed club head weight. Note, Young does acknowledge that the weight of the head may be varied to adjust the center of gravity and the overall feel of the club head. See col. 2, lines 18-31 along with col. 4, lines 8-51 in Young. The secondary teachings to Satoh and Sherwood show that it is old in the art to provide an iron-type club head with a wider sole and a larger striking face, respectively. In particular, note that Satoh details a maximum sole width greater than 1.2 inches for at least some iron-type club heads. See, for example, the sole dimension for the #3 iron,

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as shown in TABLE 1 of Satoh. In addition, Satoh details that the loft angle, for at least club heads numbered #3 through #6, may be less than 30 degrees. Satoh provides a means to increase the trajectory of a struck ball by effectively lowering the center of gravity of the head (col. 4, lines 5-18). With respect to Sherwood, the height (D) of the face is seen as having a maximum height of at least 1.75 inches in at least one of a number of iron-type club heads. See, for instance, the height dimension for the #3 iron, as shown in TABLE 2 of Sherwood. It is noted by Sherwood that the increase in the size of the head increases the sweet spot and enhances a golfer's confidence (col. 6, line 60 through col. 7, line 5). Finally, Takeda obviates the use of a shaft length of less than 37 inches (col. 1, lines 20-31). The combined teachings of Young, Satoh, Takeda and Sherwood would have motivated the skilled artisan to modify the device in the cited art reference to Young by enlarging the weight of the head to exceed 320 grams and to include the claimed loft, sole and face height dimensions, the motivation being to desirably enhance the location of the center of gravity and to alter the flight characteristics of a struck ball.

Claim 17 is rejected under 35 U.S.C. 102(b) as being anticipated by Duclos.

Note Figure 6 showing a groove or slot (66) on the top of a flange portion located to the rear of an iron-type club head. The bottom portion of the flange defines a portion of the sole. The groove is indeed parallel to a direction of intended travel of a struck ball.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 2-4, 8-10, 15 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 2, the phrase "teeth-like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d). Claims 3 and 4, dependent from claim 2, inherit the same indefiniteness.

Regarding claim 8, line 1, "cub" should read --club--. In line 5, the phrase "teeth-like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d). Claims 9 and 10, dependent from claim 8, inherit the same indefiniteness.

Claim 5 is objected to because of the following informalities: In line 3, "and" should follow --inches--. Appropriate correction is required.


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See Figures 7 and 8 in Boone. Note Figure 4 in each of Drake and Longo. See Figure 2 in Smith. Gordos and King show sole groove configurations, of interest. Note Figure 4 in linuma.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sebastiano Passaniti whose telephone number is 703-308-1006. The examiner can normally be reached on Mon-Fri (6:30-3:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Sewell can be reached on 703-308-2126. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3579 for regular communications and 703-308-7768 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.


Sebastiano Passaniti
Primary Examiner
Art Unit 3711

S.Passaniti/sp
June 2, 2003